

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FOX VALLEY LABORERS HEALTH	)	
AND WELFARE FUND, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	CIVIL ACTION
	)	
vs.	)	NO. 22 C 5011
	)	
ASC INSULATION, FIREPROOFING AND	)	JUDGE JORGE L. ALONSO
SUPPLIES, INC., an Illinois corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF JUDGMENT**

NOW COME Plaintiffs, by and through their attorneys, default having been entered against the Defendant on January 25, 2023 [Dkt. 14], request this Court enter judgment against Defendant, ASC INSULATION, FIREPROOFING AND SUPPLIES, INC., an Illinois corporation, pursuant to F.R.Civ.P. Rule 55(b). In support of this Motion, Plaintiffs state:

1. On January 25, 2023, this Court entered default against Defendant. On February 6, 2023, Judge Alonso entered an Order directing Defendant to turn over its monthly fringe benefit contribution reports for the time period August 2022 forward within seven (7) days of the entry of said Order [Dkt. 15].

2. Defendant has now submitted its monthly fringe benefit contribution reports for the time periods September 2021 through December 2021 and February 2022 through January 2023, but failed to remit payment of all contributions due thereon. These reports indicate Defendant is delinquent in contributions to the Funds in the amount of \$65,944.08. Defendant also owes dues contributions of \$4,285.62. (See Affidavit of Deborah L. French). Defendant has submitted partial payments toward the contribution amounts due and owing totaling \$23,198.04.

3. Additionally, Defendant owes \$13,188.81 for liquidated damages and \$428.56 for dues liquidated damages, for a total of \$13,617.37. (French Aff. Par. 5).

4. Pursuant to the Defendant's Plan of Reorganization Dated September 16, 2020 entered in its Chapter 11 bankruptcy case (No. 19-31687), the Plaintiff Funds are due \$108,293.34 for its Class 2 Priority Claims Pursuant to 11 USC Section 507(a)(5). After application of payments totaling \$20,842.53, there remains \$87,450.81 due for the Class 2 Priority Claims. (French Aff. Par. 6).

5. Also pursuant to the Defendant's Plan of Reorganization Dated September 16, 2020 entered in its Chapter 11 bankruptcy case (No. 19-31687), the Plaintiff Funds have Class 4 unsecured claims totaling \$351,982.22. The Plan of Reorganization states in part: "Unsecured creditors shall be paid, pro rata, the sum of 10% of their allowed claims, via an annual payment of \$20,000 for six years for a total payment of \$120,000.00." Since no amount has been paid pursuant to this provision, Defendant owes Plaintiffs ten (10%) percent of \$351,982.22, or \$35,198.22, for the Class 4 unsecured claims. (French Aff. Par. 7).

6. Plaintiffs' firm has expended \$527.00 for costs and \$4,221.75 for attorneys' fees, for a total of \$4,748.75, in this matter. (See Affidavit of Catherine M. Chapman).

7. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$188,046.81.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$188,046.81.

/s/ Catherine M. Chapman

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that I electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 4:00 p.m. this 15th day of March 2023:

Michael Castro, Registered Agent  
ASC Insulation, Fireproofing and Supplies, Inc.  
404 North Avenue  
St. Charles, IL 60174-1246

/s/ Catherine M. Chapman

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